IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

FIRST APPEAL NO. 569 OF 2004.

The State of Maharashtra : Appellants.

versus

Shyam Baba Gharat & ors. : Respondents.

Mr.V.B.Sakhare, AGP, for the State/Appellants.

CORAM : D.G.DESHPANDE,J.

DATED : 16th August 2005.

ORAL ORDER

1. Heard the learned AGP for the State. This is an appeal filed by the State challenging the order of the Reference Court (Joint Civil Judge, Senior Division, Alibag) dated 30th March 2002 awarding compensation at the rate of Rs.10/- per sq.mtr. to the acquired land.

2. It was contended by the learned AGP that the claimants did not produce any sale deed of

the relevant period, that is of 1970 when the notification under section 4 of the Land Acquisition Act was issued and, therefore, there was no basis to award the compensation at the rate of Rs.10/- per sq.mtr. However, Para 13 of the impugned order shows that the Reference Court took into consideration the certified copy of the judgment passed by the Joint District Judge, Raigad Alibag in L.A.R. No.649/86 & 650/86 where the Court awarded compensation at the rate of Rs.12/- per sq.mtr to the lands of village Sonkhar.

3. The acquired land in the present reference is also from village Sonkhar. If the Joint District Judge has, as stated above, awarded compensation at the rate of Rs.12/- per sq.mtr. then Reference Court in the present case was fully justified in awarding the compensation at the rate of Rs.10/- per sq.mtr. for the acquired land from the said village. Therefore, there is no merit in this appeal. The same is dismissed.

[D.G.DESHPANDE]